

Publicly supported organization; advance ruling period. The advance ruling period will be three years for a newly created publicly supported organization described in section 170(b)(1)(A)(vi) of the Code having a first taxable year consisting of more than seven but less than eight months.

Advice has been requested whether the advance ruling period for a newly created organization having a first taxable year consisting of more than seven but less than eight months will be two or three years.

The organization was formed on May 14th and is on a calendar year accounting basis. Accordingly, its first taxable year consists of seven and a fraction months.

Section 1.170A-9(e)(5)(i) of the Income Tax Regulations provides that a newly created organization may request a ruling or determination letter that it will be treated as a publicly supported organization described in section 170(b)(1)(A)(vi) of the Code for its first two taxable years (or its first three taxable years, if its first taxable year consists of less than eight months). Such two or three year period, whichever is applicable, is referred to as the advance ruling period.

The term 'eight months' as used in this section of the regulations relating to the first taxable year means a period of eight full months. Accordingly, since the first taxable year of the organization in the instant case is less than eight full months the advance ruling period will be three years.